

# **EXHIBIT D**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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MARK SOKOLOW, *et al.*,

Plaintiffs,

Docket No:

04-CV-397 (GBD) (RLE)

- against -

THE PALESTINE LIBERATION ORGANIZATION,  
*et al.*,

Defendants.

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**LETTER OF REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE  
PURSUANT TO THE HAGUE CONVENTION OF 18 MARCH 1970 ON THE  
TAKING OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS**

From:

United States Magistrate Judge Ronald L. Ellis  
The United States District Court for the Southern District of New York  
500 Pearl St  
New York, NY 10038  
United States of America

To:

The Directorate of Courts  
Legal Assistance to Foreign Countries  
22 Kanfei Nesharim  
PO BOX 34142  
Jerusalem 95464  
Israel

In conformity with Article 3 of the Hague Convention on the Taking of Evidence Abroad  
in Civil or Commercial Matters, the undersigned applicant has the honor to submit the following  
request:

The United States District Court for the Southern District of New York presents its compliments to the Directorate of Courts of the State of Israel and requests assistance in obtaining evidence to be used in proceedings before this Court in the above-captioned matter.

Defendants in the above-captioned matter are the Palestinian Authority and the Palestine Liberation Organization. Defendants are represented by Richard Hibey, Mark Rochon, Laura Ferguson and Brian Hill of Miller & Chevalier Chartered, 655 Fifteenth St., N.W., Suite 900, Washington, D.C. 20005, USA. Plaintiffs are the Estate of Janis Coulter, Robert Coulter, Dianne Coulter, Robert Coulter Jr., the Estate of Diane Carter, Larry Carter, Shaun Coffel, the Estate of Benjamin Bluestein, Richard Bluestein, Katherine Baker, Rebekah Bluestein, the Estate of David Gritz, Norman Gritz, Nevenka Gritz, Oz Joseph Guetta, Varda Guetta, Shayna Gould, Ronald Gould, Elise Gould, Jessica Rine, Shmuel Waldman, Henna Waldman, Morris Waldman, Eva Waldman, Mark Sokolow, Rena Sokolow, Jamie Sokolow, Lauren Sokolow, Elana Sokolow, Alan Bauer, Yehonathon Bauer, Binyamin Bauer, Daniel Bauer, Yehuda Bauer, Revital Bauer, Shaul Mandelkorn, Rabbi Leonard Mandelkorn, Nurit Mandelkorn, Karen Goldberg, Chana Goldberg, Esther Goldberg, Yitzhak Goldberg, Shoshanna Goldberg, Eliezer Goldberg, Yaakov Goldberg, and Tzvi Goldberg. Plaintiffs are represented by attorneys Robert J. Tolchin of Robert J. Tolchin, Esq., 111 Livingston Street, Suite 1928, Brooklyn, New York 11201, and Olimpio Lee Squitieri of Squitieri & Fearon LLP, 32 East 57th Street, 12th Floor, New York, NY 10022, USA.

The above-captioned matter is a civil suit brought by plaintiffs pursuant to United States Federal counterterrorism statutes, Antiterrorism Act of 1991, 18 U.S.C. §§2331 *et seq.*, and supplemental causes of action by the above-named Plaintiffs. Plaintiffs are claiming damages allegedly caused by Defendants by reason of acts of unlawful international terrorism, as defined

in 18 U.S.C. §2331, in particular, by providing material support to persons who, on March 21, 2002, allegedly carried out a suicide bombing on King George Street in downtown Jerusalem. Plaintiffs further allege that an individual named Mohammad Hashaika, now deceased, along with Abdel Karim Ratab Yunis Aweis, Nasser Jamal Mousa Shawish, Toufik Tirawi, Hussein el Sheikh, Sana'a Muhammad Shehadeh, and Kaira Said Ali Sadi, acting under the agency and employment of Defendants, planned, conspired, and made preparations to attack civilians by means of a bombing attack. Defendants deny that they are liable to Plaintiffs for the injuries they have alleged.

The assistance the Court requests from the Government of Israel, including, without limitation, the following agencies, divisions or entities therein: the Israeli Defense Forces (“IDF”), the Israeli Ministry of Justice (“IMoJ”), the Israeli Security Agency (“ISA”), the Office of the Prosecutor General, the Israel Police, and any other civil, criminal, penal, intelligence, executive, legislative, administrative or military agency, department, division, office or branch of the Government of Israel (hereinafter, the “Government of Israel”), consists of the following:

1. To provide (in hard copy and in electronic format) full and authentic copies of any files, records, reports, notes, papers, summaries and/or recordings (by video or audio technology) relating to the investigation of the March 21, 2002, bombing attack that took place on the King George Street in downtown Jerusalem.
2. To provide (in hard copy and in electronic format) full and authentic copies of any files, records, reports, notes, papers, summaries and/or recordings (by video or audio technology) relating to any interrogation of an individual named Abdel Karim Ratab Yunis Aweis, regarding his possible involvement in the March 21, 2002, bombing attack that took place on the King George Street in downtown Jerusalem.

3. To provide (in hard copy and in electronic format) full and authentic copies of any files, records, reports, notes, papers, summaries and/or recordings (by video or audio technology) relating to any interrogation of an individual named Nasser Jamal Mousa Shawish, regarding his possible involvement in the March 21, 2002, bombing attack that took place on the King George Street in downtown Jerusalem.

4. To provide (in hard copy and in electronic format) full and authentic copies of any files, records, reports, notes, papers, summaries and/or recordings (by video or audio technology) relating to any interrogation of an individual named Toufik Tirawi, regarding his possible involvement in the March 21, 2002, bombing attack that took place on the King George Street in downtown Jerusalem.

5. To provide (in hard copy and in electronic format) full and authentic copies of any files, records, reports, notes, papers, summaries and/or recordings (by video or audio technology) relating to any interrogation of an individual named Hussein el-Sheikh, regarding his possible involvement in the March 21, 2002, bombing attack that took place on the King George Street in downtown Jerusalem.

6. To provide (in hard copy and in electronic format) full and authentic copies of any files, records, reports, notes, papers, summaries and/or recordings (by video or audio technology) relating to any interrogation of an individual named Sana'a Muhammad Shehadeh regarding her possible involvement in the March 21, 2002, bombing attack that took place on the King George Street in downtown Jerusalem.

7. To provide (in hard copy and in electronic format) full and authentic copies of any files, records, reports, notes, papers, summaries and/or recordings (by video or audio technology) relating to any interrogation of an individual named Kaira Said Ali Sadi, regarding his or her

possible involvement in the March 21, 2002, bombing attack that took place on the King George Street in downtown Jerusalem.

Pursuant to Article 10 of the Convention, in executing this Letter of Request the Israeli authorities are respectfully requested to apply the appropriate measures of compulsion in the instances and to the same extent as are provided by Israeli law for the execution of orders issued by Israeli authorities or of requests made by parties in internal proceedings.

Accordingly, it is hereby requested that, in the interest of justice, you cause by your usual and proper process such order to be entered as Israeli law permits, directing the Government of Israel to produce the documents requested to the Directorate of Courts at 22 Kanfei Nesharim Street, Jerusalem, Israel, where they will be collected for delivery to the parties by a representative of Carmeli-Arnon Law Offices, 18 Shlomzion Hamalka St., Jerusalem 94146.

A notice that this request has been executed and that the above-referenced documents are available for review and copying should be sent to Brian A. Hill, Miller & Chevalier Chartered, 655 15<sup>th</sup> Street, NW, Suite 900, Washington, DC 20005, USA Telephone (202) 626-6014, Telefax (202) 626-5801, Email bhill@milchev.com. Defendants and/or their counsel, upon whose application this Letter of Request has been issued, shall pay all costs incurred in executing these requests.

The Court expresses its appreciation of the Directorate of Courts in the State of Israel for its courtesy and assistance in this matter and states that it shall be ready and willing to assist the courts of Israel in a similar manner when required.

DATED this \_\_ day of \_\_\_\_\_, 2011.

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RONALD L. ELLIS  
UNITED STATES MAGISTRATE JUDGE